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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12

13 **CARLOS ANTHONY**
14 **HAWTHORNE,**

Petitioner,

15 **v.**

16 **PAT HORN,**

17 Respondent.
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Case No. CV 22-07535-FWS (AS)

**APPLICATION FOR EXTENSION
OF TIME TO FILE ANSWER TO
PETITION FOR WRIT OF
HABEAS CORPUS;
DECLARATION OF
ANA R. DUARTE**

The Honorable Alka Sagar
United States Magistrate Judge

20 Respondent respectfully applies to this Court for a sixty-day extension of time,
21 to and including February 20, 2024, in which to file the Answer to the Petition for
22 Writ of Habeas Corpus with the present due date of December 22, 2023.

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DECLARATION OF ANA R. DUARTE

I, ANA R. DUARTE, hereby declare the following under penalty of perjury:

1. I am a Deputy Attorney General for the State of California assigned to the Appeals, Writs and Trials Section of the Criminal Law Division in Los Angeles, California. I am licensed to practice law in the State of California and the United States District Court for the Central District of California. I am the attorney assigned to represent Respondent in the matter of *Carlos Anthony Hawthorne v. Pat Horn*, case number CV 22-07535-FWS (AS).

2. Pursuant to the Court's Order of November 7, 2023, Respondent's Answer is due on December 22. For the reasons set forth below, Respondent will be unable to prepare and file the Answer by this date. Respondent has not previously requested or received any extension of time to file the Answer.

3. I received notice of the Court's November 7, 2023 Order via the Court's ECF system on November 9. Because I have been assigned to this case since January 26, 2023, I am aware that all the records necessary to draft the Answer have been scanned. However, due to work on other cases which were assigned to me prior to receipt of the Court's November 7, 2023 Order, I have been unable to begin working on the instant case.

4. Since I received this Court's November 7, 2023 Order on November 9, I have completed the informal response to the habeas petition in *In re Melendez*, California Supreme Court case number S279398, which was filed on December 5, after two extensions of time totaling ninety days. I also completed the merits answer to the petition in *Morales v. Viera*, case number CV 23-07959-SSS (DTB), which was filed on December 12, and a motion to dismiss the petition in *Fernandez v. Allison*, case number CV 23-9129-KK (RAO), which was filed on November 21. I also took four days off due to illness.

5. I am currently working on the appellee's brief in *Grant v. Clark*, Ninth Circuit Court of Appeals case number 22-55177, which is due on January 16, 2024,

1 pursuant to a sixty-day extension of time. Once I have completed the brief in
2 *Grant*, I intend to commence work on the Answer in the instant case, which
3 includes at least ten separate claims for relief. Therefore, I need more time to
4 comply with this Court's November 7, 2023 Order.

5 6. For these reasons, I am requesting an extension of time of sixty days, to
6 and including February 20, 2023, in which to file an Answer to the Petition.

7 7. Yesterday, December 13, 2023, I contacted via email correspondence
8 Petitioner's counsel, Michael Petersen, Deputy Federal Public Defender, and
9 informed him of this Application. That same day, Mr. Petersen replied via email
10 correspondence that he does not oppose the Application.

11 I declare under penalty of perjury and the laws of the State of California and
12 United States of America that the foregoing is true and correct.

13 Executed this 14th day of December 2023 in Los Angeles, California.

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15 /s/ Ana R. Duarte
16 ANA R. DUARTE
17 Deputy Attorney General
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CERTIFICATE OF SERVICE

Case Name: *Carlos Anthony Hawthorne v.* No. CV 22-07535-FWS (AS)
Pat Horn

I hereby certify that on December 14, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**APPLICATION FOR EXTENSION OF TIME TO FILE ANSWER TO
PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF
ANA R. DUARTE**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 14, 2023, at Los Angeles, California.

Frances Conroy
Declarant

/s/ Frances Conroy
Signature

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